

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	No. 1:15cr293 (TSE)
)	
WAYNE SHELBY SIMMONS)	

ROSEBORO NOTICE

Pursuant to Local Rule 7(J), and in accordance with *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), Petitioner-Defendant Wayne S. Simmons is advised that he has the right to file a response opposing the government's response to his Motion to Vacate Under 28 U.S.C. § 2255 (Docs. 130 and 131, filed January 23, 2017). The government's response was filed via ECF, with copies sent to Mr. Simmons by U.S. Mail. Failure to respond may result in the dismissal of Mr. Simmons's motion. Mr. Simmons's response must identify all facts stated by the government with which Mr. Simmons disagrees and must set forth his version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a statement that it is filed under penalty of perjury). Mr. Simmons may also file a legal brief in opposition to the responses filed by the government.

Unless the Court orders otherwise, Mr. Simmons's response must be filed by 5:00 p.m. on Monday, March 27, 2017 (Doc. 132).

Respectfully submitted,

Dana J. Boente
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of March, 2017, I electronically filed the foregoing notice with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record. I further certify that, on this same date, a copy of this pleading was sent by mail, postage prepaid, to Wayne S. Simmons, Reg. No. 21594-037, FCI Schuylkill, P.O. Box 670, Minersville, PA 17954.

By: /s/
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